IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.42 OF 2004

...

M/s.Peacock Industries Ltd. ...Petitioner

v/s.

M/s.Lexicon Finance Ltd. ...Respondent

...

Mr.Niranjan Lapasiya i/b Niranjan & Co. for the Petitioner.

Mr.H.N.Thakore i/b M/s.Thakore Jariwala & Associates for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 3RD AUGUST,2005

P.C.:

1. By order dated 18th January, 2005 on the application of the Petitioner an order was made under sub-section 4 of Section 34 of the Arbitration Act and the arbitrator was directed to resume the proceedings, so that the Petitioner gets an opportunity of being heard.

2. An affidavit has been filed by the Respondent pointing out that the Petitioner is not appearing before the learned arbitrator, he has remained absent for two occasions before the learned Arbitrator though notice of proceedings was served on him. Copy of affidavit has been served on the Petitioner. The allegations made in the affidavit have not been denied. The conduct of the Petitioner shows that the Petitioner is not interested in getting an opportunity of being heard before the learned arbitrator and is merely interested in delaying the proceedings. In view of this conduct of the Petitioner the order dated 18-1-2005 is cancelled and the petition is dismissed.

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